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FACSIMILE COVER SHEET

July 28, 2003

PLEASE DELIVER TO EXAMINER

Receiver: Examiner Kumar, Pankaj
USPTO, Group Art Unit 2631

TBL #: 703-305-0194

FAX #: 703-476-8307

Sender: Leslie Russell, Patent Secretary for:
Haruo Yawata

Re: Copies of CPA filing filed December 6, 2002 for:
Patent Application Entitled: METHOD AND APPARATUS
FOR MEASURING QUALITY OF UPSTREAM SIGNAL
TRANSMISSION OF A CABLE MODEM
Application No.: 09/325,534
Filing Date: June 3, 1999
Inventors: Naegeli *et al.*
Our Ref.: CISCPO85

Pages Including Cover Sheet(s): 6

MESSAGE:

CONFIDENTIALITY NOTE

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#10

P. Delorsky
02/13/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on December 06, 2002 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number EV267519067US, addressed to the Commissioner for Patents, Washington, DC 20231.

Attorney Docket No.: CISCPO85/799

First Named Inventor: Naegeli

EV267519067US

Ryan Eachus

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL
UNDER 37 CFR §1.53(d)**

Commissioner for Patents
Box CPA
Washington, DC 20231

This is a request for filing a

☒ Continuation ☐ Divisional

application under 37 CFR §1.53(d) (continued prosecution application) of prior pending application No. 09/325,534, filed on June 3, 1999, entitled METHOD AND APPARATUS FOR MEASURING QUALITY OF UPSTREAM SIGNAL TRANSMISSION OF A CABLE MODEM.

Assigned to: Cisco Technology, Inc.

PLEASE NOTE:

- THIS APPLICATION ABANDONS THE PARENT APPLICATION
- MAY NOT BE USED WHEN THE PARENT IS A PROVISIONAL
- NO REFERENCE TO PRIOR APPLICATION IN CPA PERMITTED

- ☒ Do not publish this application. Nonpublication Request is attached.
- ☒ Enter the unentered amendment previously filed on October 22, 2002 under 37 CFR 1.116 in the prior nonprovisional application.
- ☐ A preliminary amendment is enclosed.
- ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4). DELETE the following inventor(s) named in the prior nonprovisional application:
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- ☐ Information Disclosure Statement with Form PTO-Form 1449 is enclosed.

☐ Copies of IDS Citations

Fee Calculation (37 CFR § 1.16)

☐ Applicant is entitled to Small Entity Status under 37 C.F.R. § 1.27.

	(Col. 1) Total Claims		(Col. 2) Claims	(Col. 3) Present Extra	Rate	Additional Fee
TOTAL	32	MINUS	20	= 12	x 18 =	216.00
INDEP.	6	MINUS	3	= 3	x 84 =	252.00
[] First presentation of multiple dependent claim					\$280 =	
Basic Filing Fee under 37 C.F.R. §1.16(a)					\$740 =	740.00
TOTAL						\$1,208.00
SMALL ENTITY 50% FILING FEE REDUCTION (if applicable)						

☒ The Commissioner is hereby authorized to credit overpayments or to charge any fees due to Deposit Account No. 500388 (Order No. CISCPO85).

General Authorization for Petition for Extension of Time (37 CFR §1.136)

☒ Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 500388 (Order No. CISCPO85).

☒ Check No. _____ in the amount of \$1,318.00 is enclosed.

☐ Suspension of Prosecution for the time necessary to file an amendment is requested.

☒ An Extension of Time in the prior application is requested.

☐ A Conditional Extension of Time in the prior application is requested.

☐ Other:

☒ Please continue to send correspondence to the following address:
Customer Number 022434



Date: December 6, 2002

Haruo Yawata

Limited Recognition Under 37 C.F.R. 10.9(b)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Naegeli, et al.

Attorney Docket No.: CISCPO85/799

Application No.: 09/325,534

Examiner: KUMAR, PANKAJ

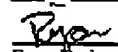
Filed: June 3, 1999

Group: 2631

Title: METHOD AND APPARATUS FOR
MEASURING QUALITY OF UPSTREAM
SIGNAL TRANSMISSION OF A CABLE
MODEM

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on December 06, 2002 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number **EY267519067US**, addressed to the Commissioner for Patents, Washington, DC 20231.


Ryan Eschus

NONPUBLICATION REQUEST AND CERTIFICATION
(35 U.S.C. 122(b)(2)(B)(i))

Commissioner for Patents
Box Patent Application
Washington, DC 20231

Sir:

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen (18) months after filing. I hereby request that the attached application **NOT** be published under 35 U.S.C. 122(b).

Date: December 6, 2002


Haruo Yawata

Limited Recognition under 37 CFR §10.9(b)

NOTE:

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications, eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).

**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATE PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Mr. Haruo Yawata is hereby given limited recognition under 37 CFR §10.9(b) as an employee of Beyer Weaver & Thomas, LLP. to prepare and prosecute patent applications wherein the patent applicant is the client of Beyer Weaver & Thomas, LLP., and the attorney or agent of record in the applications is a registered practitioner who is a member of Beyer Weaver & Thomas, LLP. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Mr. Haruo Yawata ceases to lawfully reside in the United States, (ii) Mr. Haruo Yawata's employment with Beyer Weaver & Thomas, LLP. ceases or is terminated, or (iii) Mr. Haruo Yawata ceases to remain or reside in the United States on an H-1B1 visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: November 6, 2003

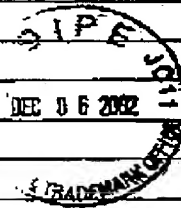


**Harry Moatz,
Director of Enrollment and Discipline**

Docket #	CISCP085/799	By:	HY/mm	Date of this mailing:	December 6, 2002
Appl'n #:	09/325,534	Filing Date:	June 3, 1999		EV267519067US
Inv(s)	Naegeli <i>et al.</i>				
Title:	Method and Apparatus for Measuring Quality of Upstream Signal Transmission of a Cable Modem				

The following have been received in the U.S. Patent Office on the date stamped hereon:

Item	Description	# Pgs
1.	Continued Prosecution (CPA) Application Transmittal w/certificate of mailing	2
2.	Nonpublication Request w/certificate of mailing	1
3.	Limited Recognition Under 37 C.F.R. 10.9(b)	1
4.	Check No. 6654 for \$1,318.00	
5.		
6.		
7.		
8.		
9.		



BEYER WEAVER & THOMAS, LLP
 SEEN/CONFIRMED
 BY DOCKETING DEPT.
 DATE: 12/17/02 BY: UG

